

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**ROBBIE DALE BOYD**

**PLAINTIFF**

**V.**

**NO. 3:23-CV-289-DMB-RP**

**OFFICER JOHNNY COLE and  
RIPLEY POLICE DEPARTMENT**

**DEFENDANTS**

**ORDER**

On February 14, 2024, United States Magistrate Judge Roy Percy issued a “Report and Recommendation” (“R&R”) recommending that this case be dismissed without prejudice for Robbie Dale Boyd’s failure to serve process. Doc. #7 at PageID 160. The R&R advised that any objections must be filed within fourteen days and warned that a failure to file written objections to the proposed findings, conclusions, and recommendations in the R&R bars “entitlement to *de novo* review by a district judge” and “appellate review, except on grounds of plain error, of unobjected-to proposed factual findings and legal conclusions accept[ed] by the district court.” *Id.* No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a *de novo* determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Quintero v. State of Tex. – Health and Hum. Servs. Comm’n*, No. 22-50916, 2023 WL 5236785, at \*2 (5th Cir. Aug. 15, 2023) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017).

The Court reviewed the R&R for plain error and concludes that the R&R is neither clearly erroneous nor contrary to law. So the R&R [7] is **ADOPTED** as the order of the Court and this case is **DISMISSED without prejudice**.

**SO ORDERED**, this 18th day of March, 2024.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**